

**Thursday, December 8, 2005**

Nelson v. Jones

Review of calendar and pleading re what needs to be done, TC to Bob Chapman/Mike Cetraro re same.

.3 hours

**Thursday, December 15, 2005**

Nelson v. Jones

TC with Bob Chapman re trial by magistrate/further discovery etc. TC with Mike Cetraro re same and how to proceed re trial/trial preparation etc.

.8 hours

**Tuesday, December 20, 2005**

Nelson v. Jones

Continued review of files re remaining causes of action, proof required etc. re pretrial statement and letter to Chapman re Notice of Cetraro deposition and Objection to same. Review files re Jones continuing with litigation, previous dismissal of claims v Jones without prejudice, how to revive same etc..

3.7 hours

**Thursday, December 22, 2005**

Nelson v. Jones

Review of Chapman letter re trial by magistrate, Review of files and draft letter to Chapman re trial by magistrate, remaining claims, Nelson reasserting dismissed claims and seeking costs and attorneys fees and global resolution of litigation between the parties re this property. TC with Carol Nelson re same.

2.5 hours

**Wednesday, December 28, 2005**

Nelson v. Jones

Continue review of appeal files and pleading files re causes of action and what is left re trial before magistrate judge

1.4 hours

**Tuesday, January 3, 2006**

Nelson v. Jones

Preparation for status conference before Judge Kobayashi and appearance re status conference before Judge Kobayashi and continued status conference before Judge Chang and conference with Bob Chapman re same and how to proceed so as limit issues/claims etc re April trial and to insure the reference to Magistrate is sound and that trial before magistrate is authorized. Draft letter to Nelson and Cetraro re same.

2.0 hours

**Thursday, January 5, 2006**

Nelson v. Jones

Review of Chapman proposed stip and certified question to Judge Gilmore. Review of appeal and Motion for Summary Judgment files/pleadings files and draft letter to Chapman re same with additional proposed undisputed facts and certified questions.

2.0 hours

**Friday January 6, 2006**

Nelson v. Jones

Review of proposed stipulation and appeal files and draft proposed question to be resolved and letter to Chapman re same, T C with Mary Martin re same.

2.2 hours

**Monday January 9, 2006**

Nelson v. Jones

Review/analysis of Chapman email re issues on appeal and claims/parties surviving in this action, review of appeal files re same and email to Chapman re same arguing why Jones Counterclaim is not apart of this appeal and why Cetraro not a party, Cetraro's consent not needed re reference to magistrate judge.

1.8 hours

**Tuesday, January 10, 2006**

Nelson v. Jones

Draft letter to Nelson and Cetraro re issue regarding claims and parties remaining and discussion with Chapman re same.

1.0 hours

**Thursday, February 2, 2006**

Nelson v. Jones

Review of Jones Motion re remaining issues/parties filed 1/24 and began research/review of pleading/appellate briefs etc re drafting opposition/response to same.

2.5 hours

**Tuesday, February 7, 2006**

Nelson v. Jones

Continue review of files and research and drafting of Nelson Memorandum re issues and parties on remand.

6.0 hours

**Wednesday, February 8, 2006**

Nelson v. Jones

Review and revise memo re issues/parties on remand and draft declaration of EWP in support of same.

2.4 hours

**Friday February 24, 2006**

Nelson v. Jones

Review of files and pleading filed regarding issues remanded by Ninth Circuit and preparation for hearing/conference re same with Judge Gilmore. Appearance at hearing with Judge Gilmore re issues on remand and how to proceed with case. TC with Carol Nelson and Mike Cetraro re same and re what's next.

1.5 hours

**Monday, April 10, 2006**

Nelson v. Jones

Review of Jones supplemental statement re position as to clarification re issues and claims remaining after appeal, Court's minute order re February 24<sup>th</sup> hearing on Jones motion re same and draft Nelson/Cetraro memorandum in response to Jones supplemental pleading

.1.5 hours.

**Thursday, April 27, 2006**

Nelson v. Jones

Review of Judge Gilmore order re Jones Motion for Clarification as to claims and parties.

.4 hours

**Friday May 12, 2006**

Nelson v. Jones

Review documents re Jones appeal and re Motion to W/Draw as Counsel and TC from Court re same and re hearing before Judge Gilmore.

.8 hours

**Monday, May 15, 2006**

Nelson v. Jones

Draft letter to Carol Nelson re hearing and appearance required

.6 hours

**Wednesday, May 24, 2006**

Nelson v. Jones

TC to David Hashishima re Nelson physical appearance at Friday's hearing. TC from David re same and TC to Carl Nelson. Review of withdrawal of Motion to withdraw by Chapman and David email re hearing cancelled. TC to Carol Nelson re same.

1.0 hours

**Friday, May 26, 2006**

Nelson v. Jones

Review and respond to email from Court re Statue Conference with Judge Chang.

.2 hours

**Tuesday, May 30, 2006**

Nelson v. Jones

Review of Court Order re Status conference before Judge Chang tomorrow Review of files re same and how appeal will effect further proceeding in USDC.

.5 hours

**Wednesday, May 31, 2006**

Nelson v. Jones

Appearance at status conference with Judge Chang and review of minute order re same. TC to Carol Nelson and left message re same.

1.0 hours

**Thursday, June 8, 2006**

Nelson v. Jones

Review of email from Mary Martin re Stip and email in response to same (will not stip to stay and waiver supercedes bond/ will stip to Rule 54(b) certification only).

.5 hours

**Monday, June 12, 2006**

Nelson v. Jones

Review and sign revised stip re Rule 54(b) Certification and email to Mary Martin re same.

.3 hours

**Thursday, August 10, 2006**

Nelson v. Jones

Review of Order dismissing Jones Appeal, review of files re status of pending USDC litigation and review of files re statute of limits re Jones failure to pay rents and draft letter to Cetraro and Nelson re dismissal of appeal and statute of limits and payment of costs and attorneys fees.

1.0 hours

**Saturday, November 4, 2006**

Nelson v. Jones

Review of email series re new stip and going forward and draft email to Mary Martin re same.

.6 hours

**Monday, November 13, 2006**

Nelson v. Jones

Review of proposed consent to trial by magistrate judge and forward same to Carol Nelson with recommendation re consent.

.2 hours

**Tuesday, December 19, 2006**

Nelson v. Jones

Review email from Court re status conference, and draft email in response to same, review of Chapman email re same.

.3 hours

**Friday, January 5, 2007**

Nelson v. Jones

Appearance at Status/Scheduling Conference before Magistrate Judge Chang

.8 hours

**Tuesday, January 9, 2007**

Nelson v. Jones

Review of pleadings in USDC case and 9<sup>th</sup> Cir Appeal cases re analysis re Motion for Summary Judgment on remaining issues in USDC case.

1.0 hours

**Wednesday, January 10, 2007**

Nelson v. Jones

Review of Chapman letter re Motion for Summary Judgment, expert witness (appraiser).

.2 hours

**Thursday, January 11, 2007**

Nelson v. Jones

Further analysis re Motion for Summary Judgment, Chapman letter etc., review of files pleadings re previous deadlines and issues to be presented at trial. Draft letter to Chapman re Court order to meet and confer re dispositive motions/Jones proposed expert witness

1.7 hours

**Friday, January 12, 2007**

Nelson v. Jones

Continue review of files re issues/exhibits at trial and Jones proposed Motion re expert witness appraiser.

.8 hours

**Monday, January 22, 2007**

Nelson v. Jones

Review/analysis of Jones Mot for leave to name expert witness appraiser. Research re law/arguments made therein. TC with Carol Nelson re sale of condo etc. Review of files re documents, relevant dates re proceedings and Jones transfers of condo

2.6 hours

**Tuesday, January 23, 2007**

Nelson v. Jones

Continue analysis re Jones Motion to name expert and began drafting of memo in opposition to same

1.2 hours

**Wednesday, January 24, 2007**

Nelson v. Jones

Continue research/analysis re Jones motion to name experts and continue draft of memo in opposition re same

1.0 hours

**Friday, January 26, 2007**

Nelson v. Jones

Continue drafting/document review and research re Jones motion to name expert witness

2.5 hours

**Monday, January 29, 2007**

Nelson v. Jones

Finish drafting of Memo in Opposition to motion to name expert witness, check all exhibits etc, final document

2.0 hours

**Friday, February 2, 2007**

Nelson v. Jones

Prep and Appearance re hearing on Jones Mot to name expert witness, began analysis, document review re need for Nelson to name expert, issues at trial and exhibits to be used, depos previously taken and pleadings, stipulated facts and discover re trial issues/proceedings.

3.5 hours

**Monday February 5, 2007**

Nelson v. Jones

Continue document review etc re proof of trial issues, need for expert re value of condo etc.  
Review old files re Nelson/Cetraro/Lovell and Jones Depos etc.

4.8 hours

**Tuesday, February 6, 2007**

Nelson v. Jones

Continue document review re claims, evidence etc., review of depo transcripts and identify missing transcripts, began putting together trial exhibits.

2.0 hours

**Wednesday, February 7, 2007**

Nelson v. Jones

Continue getting trial exhibits, identify issues, proof at trial.

1.2 hours

**Friday, February 9. 2007**

Nelson v. Jones

TC with Mike Cetraro re how to proceed, settlement possibilities, issues and proof, need for copies of Jones 7/2/02 depo. Will meet in Kona to discuss further. Continue review of documents re evidence, exhibits etc, review of two prior Motion for Summary Judgment re chronology of events, exhibits etc.

3.2 hours

**Monday, February 12, 2007**

Nelson v. Jones

Continue research re issues, law re restitution A/S and equity etc. How damages calculated as set forth by ICA in Gomez v. Pagaduan, etc. proof of same etc.

2.8 hours

**Tuesday, February 13, 2007**

Nelson v. Jones

Continue document review/research re proof of damages/trail issues and exhibits.

1.2 hours

**Saturday, March 10, 2007**

Nelson v. Jones

Review of Jones expert appraiser report and draft letter to Carol Nelson and Mike Cetraro re same with recommendations.

1.2 hours

**Wednesday, March 28, 2007**

Nelson v. Jones

Conference with Mike Cetraro and Carol Nelson (1:30 - 4:00 p.m.) re case/trial/options/ how to proceed etc .

2.5 hours

**Thursday, March 29, 2007**

Nelson v. Jones

Review of documents provided by Mike Cetraro yesterday re Jones pleading/arguments in BACC v. BACC Partnership and appeal from USDC in Utah. Review of documents previously collected and research performed in effort to frame issues for trial re Jones "damages" and Nelson right to retain all payments made , authorities re Jones right to "benefit of bargain" i.e. value of condo at some later date after his default, failure to stay sale pending appeal as intervening cause etc...

2.8 hours

**Monday, April 9, 2007**

Nelson v. Jones

Review of USDC Local Rules re Settlement Conference Statement and draft of same. Review settlement letter from Chapman for Jones.

3.6 hours

**Wednesday, May 2, 2007**

Nelson v. Jones

Review and respond to Mary Martin email re appearance of parties at May 9<sup>th</sup> Settlement conference.

.2 hours

**Thursday, May 3, 2007**

Nelson v. Jones

Review and respond to additional email from Mary Martin re Settlement Conference.

.2 hours

**Friday, May 4, 2007**

Nelson v. Jones

Review of Pleadings re preparation for settlement conference, analysis re what Jones is offering and arguments as to why he is not entitled to anything, failure to post bond on appeal, appellate ruling etc.

1.1 hours

**Wednesday, May 9, 2007**

Nelson v. Jones

Appearance at settlement conference and TC with Carol Nelson afterwards, research re letter Jones is relying on as tender of purchase price, etc. (Letter written 1/18/01 and not a tender or offer to cure, also a letter written 3/2/01 also not a tender or cure, Jones demanding transfer of title but admits payments not made, failure of consideration etc.

2.5 hours

**Thursday, May 10, 2007**

Nelson v. Jones

Continue research re tender and redemption and TC to Carol Nelson re my research re same.

1.2 hours

**Wednesday, May 30, 2007**

Nelson v. Jones

TC from Mike Cetraro re trial. How to proceed, any way to resolve and package of additional info he sent to me. Review of info received from Cetraro and analysis re how to settle/get rid of Jones case

2.2 hours

**Thursday, June 14, 2007**

Nelson v. Jones

TC from Court re status conference tomorrow and waiver of jury trial. Review of prior pleadings/email re waiver of jury trial. (did not find any but remember Mary Martin advising that Jones agreed to proceed with non jury trial)

1.3 hours

**Friday, June 15, 2007**

Nelson v. Jones

Appearance at status conference before Magistrate Judge Chang.

.5 hours

Nelson v. Jones

Began draft of Nelson pretrial statement, review of prior research re Jones defenses /claims.

1.6 hours

**Saturday, June 16, 2007**

Nelson v. Jones

Continue drafting of Pretrial Statement.

.8 hours

**Monday June 18, 2007**

Nelson v. Jones

Additional research re Jones claims/defenses/damages and continue drafting of Nelson Pretrial statement.

2.4 hours

**Tuesday, June 19, 2007**

Nelson v. Jones

Continue research, document review and review of prior pleadings and finish drafting of Nelson Pretrial Statement.

4.0 hours

**Wednesday, June 20, 2007**

Nelson v. Jones

Review/analysis of Jones Pretrial Statement.

.8 hours

**Thursday, June 21, 2007**

Nelson v. Jones

Continue review and analysis re Jones Pretrial Statement, search our files and Heaukulani files for exhibits listed by Jones, TC to Mike Cetraro re same. TC with Carol Nelson re same. Continue to review Heaukulani documents and email same to Mike Cetraro.

3.2 hours

**Friday, June 22, 2007**

Nelson v. Jones

Research re Jones damage claims. Trip to Sup. Ct. Library to research "special damages", appreciation in value, etc..Continue review of documents re Jones exhibit.

2.7 hours

**Monday, June 25, 2007**

Nelson v. Jones

Continue research re Jones damages and continued trial prep. Review of expert appraisals and compare analysis re case law on buyer's damage calculations, etc.

4.7 hours

**Tuesday, June 26, 2007**

Nelson v. Jones

Prep for and appearance at Pretrial Conference.

1.0 hours

**Wednesday, June 27, 2007**

Nelson v. Jones

Review of Court minutes re Pretrial Conf and draft email to Carol Nelson and Mike Cetraro re same.

.4 hours

**Thursday, July 5, 2007**

Nelson v. Jones

Review of documents re Bilanzich/Gross testimony re issue of failure of consideration re license agreement and credits etc... Review scheduling order and identify exhibits re exchange of exhibits due next week.

2.2 hours

**Friday, July 6, 2007**

Nelson v. Jones

Continue review of exhibits, trial prep re issue of failure of consideration/condition precedent, review of Nelson and Lovell depo transcripts re same.

2.8 hours

**Monday, July 9, 2007**

Nelson v. Jones

Mark trial exhibits, continue getting exhibits from files, review of issue in controversy, proof of same, Jones exhibit list and need to have exhibits identified or ready for rebuttal of same. TC from Mike Cetraro re import of my email to him re anticipated Bilanzich/Gross testimony. Review of Depo transcript of Dennis Livell, get and mark additional trial exhibits, get and review trial testimony, depositions in Utah case.

6.2 hours

**Tuesday, July 10, 2007**

Nelson v. Jones

Review Dennis Lovell Depo transcript, Declaration of Nelson in support of Motion for Summary Judgment, finish getting trial exhibits, get package ready for delivery to Chapman/Martin and draft letter to Chapman./Martin re same. Review of Jones trial exhibits received from Mary Martin, review of calendar re things to do pretrial. Additional research re damages, Jones allegation of \$400K in damages, date of breach, etc...

6.2 hours

**Wednesday, July 11, 2007**

Nelson v. Jones

Review and respond to Mike Cetraro email re Gross/Bilanzich possible testimony. Continued review /research re breach/damages issues and began drafting of pretrial brief, research re

possible objections to Jones proposed trial exhibits, expert appraisals etc..., review of documents re time line and direct examination of Nelson, Cetraro etc..

4.8 hours

**Thursday, July 12, 2007**

Nelson v. Jones

Continue review of pleadings, discovery requests, Nelson response to Jones request for admissions Cetraro correspondence with Bilanzich in 1997-1998 re status of "deal" rents paid by tenants and delivered to Bilanzich. Continued research re statute of fraud.

4.8 hours

**Friday, July 13, 2007**

Nelson v. Jones

Continue trial prep, continue research re issues on remand, review of Jones Exhibits re authenticity, admissibility etc. and draft email to Chapman/Martin re stip re exhibits.

4.0 hours

**Monday, July 16, 2007**

Nelson v. Jones

Draft Nelson Witness List with expanded description of anticipated testimony, add Dean Soma, review of exhibits re witness testimony and anticipated length for each on direct.

2.4 hours

**Tuesday, July 17, 2007**

Nelson v. Jones

Review, revise and correct Plaintiff's Witness list get ready for filing, review of Rule 16 Scheduling Order re designation of transcripts, determine that Jones/Lovell transcript will be for impeachment/rebuttal.

.8 hours

**Wednesday, July 18, 2007**

Nelson v. Jones:

Review of Jones Witness list and Martin comments re our exhibits and response to my comments re their exhibits. Draft email to Nelson and Cetraro re same transmitting witness lists, continue research re trial brief and reasons for 9<sup>th</sup> circuit remand and issues to be resolved at trial.

3.3 hours

**Thursday, July 19, 2007**

Nelson v. Jones

Review of Lovell depo re what documents constitute the original "agreement" between Nelson and BACC USA/Bilanzich. Continue research and drafting of Trial Brief.

4.0 hours

**Friday July 20, 2007**

Nelson v. Jones

Continue trial prep, research and drafting of trial brief, review email from Mary Martin re trial brief, respond to same re filing on Friday July 27, 2007

4.8 hours

**Monday, July 23, 2007**

Nelson v. Jones

TC from Carol Nelson re trial procedures and trial prep. Began getting info for Carol trial prep. Continue working on pre trial materials/filings.

2.2 hours

**Tuesday, July 24, 2007**

Nelson v. Jones

Review of proposed stip re Amendment to Rule 16 Order re extension of time re July 24th deadlines and sign same, TC to Mary Martin re pick up

.2 hours

Nelson v. Jones

Digest Nelson depo testimony, continue drafting of trial brief, research re objections to exhibits and review documents re proposed FoF and CoL.

3.8 hours

**Wednesday, July 25, 2007**

Nelson v. Jones

TC from Cetraro re trial, procedures, issues, evidence etc., Continue drafting, research re pretrial pleadings (Trial Brief/FoF &CoL/ objection to exhibits etc.)

6.2 hours

**Thursday, July 26, 2007**

Nelson v. Jones

TC from Cetraro re trial, procedures, issues, evidence etc., Continue drafting/ research re pretrial pleadings (Trial Brief/FoF &CoL/ objection to exhibits etc.) Continue review of trial testimony, outlines prior testimony/depositions etc.

10.5 hours

**Friday, July 27, 2007**

Nelson v. Jones

Finish drafting of Trial Brief, Nelson Proposed Finding fo Fact and Conclusion of Law and Objection to Jones proposed trial exhibits. Review of Jones Trial Brief, proposed FoF and CoL and Objection to Nelson Exhibits

5.8 hours

**Monday, July 30, 2007**

Nelson v. Jones

Continued trial prep.

.8 hours

**Wednesday, August 1, 2007**

Nelson v. Jones

Finalize all exhibits and put in form as requested by Court and deliver same to Court/parties. Review of Defendant's exhibits received from Chapman.

1.8 hours

**Thursday, August 2, 2007**

Nelson v. Jones

Continue trial prep, review of issues, drafting of Nelson and Cetraro issues re direct examination.

2.7 hours

**Friday, August 3, 2007**

Nelson v. Jones

Continued prep for trial, continued review of trail exhibits, arguments to be made re same and direct examination of Nelson and Cetraro.

6.5 hours

**Saturday, August 4, 2007**

Nelson v. Jones

Continued trial prep, continued document review and drafting of Nelson direct examination.

8.5 hours

**Sunday, August 5, 2007**

Nelson v. Jones

Continued trial prep, continued document review and drafting of Nelson direct examination, drafting of Cetraro direct examinations.

5.0 hours

**Monday, August 6, 2007**

Nelson v. Jones

Continued trial prep, analysis of Jones trial brief , pre trial statement etc and continued drafting of Cetraro direct examination. Conference with Cetraro re same and re letter of intent, specific provisions of letter of intent etc... Continued discussion with Cetraro re the “deal” his discussion with Bilanzich and Lovell etc and his direct examination re various provisions of letter of intnt. Prep for Jones direct examination, review of Jones prior pleadings, deposition etc.

9.0 hours

**Tuesday, August 7, 2007**

Nelson v. Jones

Conference with Carol Nelson and Mike Cetraro re trial and appearance at first day of trial in Nelson v. Jones. Conference with Nelson and Cetraro afterwards, continued conference with Cetraro re his direct examination and specific provisions of letter of intent.

10.2 hours

**Wednesday, August 8, 2007**

Nelson v. Jones

Conference with Carol Nelson and Mike Cetraro re trial and appearance at second day of trial in Nelson v. Jones. Conference with Nelson and Cetraro afterwards, continued conference with Cetraro re his direct examination and specific provisions of letter of intent.

10.0 hours

**Thursday, August 9, 2007**

Nelson v. Jones

Conference with Carol Nelson and Mike Cetraro re trial and appearance at third day of trial in Nelson v. Jones. Conference with Nelson and Cetraro afterwards, continued conference with Cetraro re Courts requested FoF and CoL and written oral argument etc.

8.0 hours

**Friday, August 10, 2007**

Nelson v. Jones

Continued research and analysis re assign ability of contracts, assignments void etc and began drafting proposed Amended FoF and CoL, trip to library re continued research re same.

4.2 hours

**Tuesday, August 14, 2007**

Nelson v. Jones

Westlaw research and trip to library re issues requested to be address in closing argument by the Court. Continued drafting of amended FoF and CoL

5.0 hours

**Wednesday August 15, 2007**

Nelson v. Jones

Continue research re assignment of contract, delegation of duties etc and drafting of proposed FoF and CoL and outline of written closing argument.

6.8 hours

**Thursday, August 16, 2007**

Nelson v. Jones

Continue research re assignment of contract, delegation of duties etc and drafting of proposed FoF and CoL and written closing argument.

3.8 hours

**Friday, August 17, 2007**

Nelson v. Jones

Continued research and drafting re amended FoF/Col and written argument, trip to library re same, additional research re same.

6.2 hours

**Saturday, August 18, 2007**

Nelson v. Jones

Continue drafting of amended FoF/CoL and written closing arguments, analysis of research re same.

4.0 hours

**Sunday, August 19, 2007**

Nelson v. Jones

Continued analysis re trial exhibits, trial testimony etc. and research re arguments/legal theories, refinement of same and continued drafting of amended FoF/CoL and written argument.

7.5 hours

**Monday, August 20, 2007**

Nelson v. Jones

Finish drafting of written argument, review and analysis re amended FoF/CoL and legal theories/written closing argument and edit, revise correct etc same and get ready for filing.

5.0 hours

**Tuesday, August 21, 2007**

Nelson v. Jones

Review of Jones amended FoF/CoL and written closing argument.

1.0 hours

**TOTAL HOURS SPENT:** **293.4 HOURS**